

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

MEMORANDUM

TO: JOHN H. ROBERTUS, EXECUTIVE OFFICER

FROM: SABINE KNEDLIK

DATE: AUGUST 8, 2002

**SUBJECT: ITEM NO. 15 - RESPONSE TO COMMENTS FOR TENTATIVE
ORDER NO. R9-2002-0020**

The Regional Board received comment letters from the Metropolitan Water District of Southern California (MWD), the Irvine Ranch Water District (IRWD), and the City of Imperial Beach. Helix Water Districts also sent in questions by e-mail concerning the tentative Order. A brief paraphrase of the concerns listed in each letter and staff's responses are provided below.

Metropolitan Water District of Southern California (letter dated July 18, 2002)

MWD supports the adoption of tentative Order No. R9-2002-0020. No response is necessary.

Irvine Ranch Water District (letter dated August 5, 2002)

1. First paragraph, page 1:

"...IRWD requests that the Order be written in plain English. The typical field person responsible for meeting these requirements has a high school education with some additional technical training in the water field. It took several IRWD staff with college degrees and extensive additional training in the water field to digest the meaning of the Order and prepare these comments. IRWD is concerned that the difficult language in the Order will lead to an incorrect interpretation of the requirements, leading to unintended non-compliance with conditions..."

Regional Board response:

While the term 'plain English' is difficult to define, this comment is the first the Regional Board has received on the difficulty in understanding parts of the permit. It is important to have all Orders and documents expressed in language that is understandable to non-technical readers. If your staff is having difficulty with language of the permit, management staff should provide the training to the field staff regarding the requirements of the permit. Training of field staff should include sessions that explain the discharge specifications that have to be met at all times to prevent water quality impacts (which will result in non-compliance with this Order).

2. First bullet, page 1:

IRWD is concerned that Regional Board staff does not understand the limitations of their field measurement equipment and end up pursuing enforcement based on inaccurate results.

Regional Board response:

Staff is aware that the field chlorine residual test will currently be a 'present-absence' test. The dechlorination of the discharge should ultimately result in a zero chlorine concentration in the effluent. During the development of the permit a 'non-detect' chlorine limit was considered since some freshwater species showed an acute sensitivity to chlorine when exposed to very low total residual chlorine concentrations (see Fact Sheet, pg. 2). However, to avoid the misuse of 'non-detect' limits by using field equipment that is outdated or not calibrated to the limit (which is currently 0.1 mg/L), a numeric limit was established. The 0.1 mg/L is believed to be protective of aquatic species, since chlorine can rapidly dissipate in the discharged waters depending on certain factors such as flowrate, aeration, and temperature.

Staff is aware that pH measurements in 'low ionic strength waters' can be difficult. This problem will be taken into account when evaluating compliance with the permit. Accurate measurements should be possible by using buffers and samples at similar ionic strengths.

3. Second bullet, page 2:

The quantitation limit is not defined in the Order.

Regional Board response:

The following definition for quantitation limit will be added to the Provisions: Quantitation limit (or PQL for Practical Quantitation Level) is the lowest concentration of a substance which can be consistently determined within +/- 20% of the true concentration by 75% of the labs tested in a performance study. Alternatively, if performance data are not available, the PQL for carcinogens is the MDL x 5, and for non-carcinogens is the MDL x 10.

4. Third bullet, page 2:

IRWD understands that the tentative Order is applicable to projects only and does not include maintenance activities.

Regional Board response:

As stated under Eligibility, D, on page 8 of the Order, the Order is applicable for existing and future discharges that result from repair and maintenance of potable water supply pipelines, tanks, reservoirs, etc. The limitations of the Order apply to discharges that resulted from repair activities as well as discharges that resulted from maintenance activities. A project can include activities from either repair or maintenance or may include both at the same time.

5. Fourth bullet, page 2:

Total Dissolved Solids concentration does not need to be monitored since it is already known to the Regional Board. Also, no limit is put on the TDS, therefore monitoring would just be extra work.

Regional Board response:

The Regional Board can not know the dissolved solids concentration, since discharges, especially discharges for water quality reasons, often have a different TDS concentration than the Annual Water Quality Monitoring Report lists.

6. Fifth bullet, page 2:

Up- and down-stream monitoring when the discharge is into a storm drain.

Regional Board response:

The term 'receiving waters' will be clarified.

For this Order, if a discharge of less than 500,000 gallons is meeting the requirements listed in Application Requirements, E.3, (for example: discharge is directly into a MS4 storm drain) no reporting under the Monitoring and Reporting Program is required. If a discharge into a storm drain exceeds the limitation then 100-ft. up- and down-stream monitoring is required. If that is not possible (the water discharged is flowing for more than 100 feet inside the storm drain conveyance system) the discharger, to stay in compliance, has to simply explain in the monitoring report why no visual monitoring could be conducted. The same applies for up- and down-stream monitoring for ocean, bay, and estuary discharges. If no up-stream monitoring is necessary (for example, if the discharge is directly into the ocean), then only monitoring 100-ft. at a point downstream is required.

City of Imperial Beach (letter dated August 5, 2002)

Add language that is similar in the Municipal Separate Storm Sewer System Permit (MS4) to encourage potential users of MS4 to have interagency agreements with the owners of the MS4.

Regional Board response:

Staff intends to add wording to the Order that will encourage interagency agreements with MS4 owners.

Helix Water District (e-mail dated August 5, 2002)

Clarify if the 500,000 gallons per day flow limitation is for a 'discharge point' or a 'discharge event'.

Regional Board response:

The 500,000-gallon discharge threshold is for a specific 'project'. The actual purpose of the Order was to give a limitation on the amount of water discharged into a specific water body at one time. Staff intends to add wording to the Order to clarify this issue.